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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,212	06/12/2002	Martin Bergenwall	39700-524N01US/NC14828US	9398
64046 7590 07/23/2010 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER				
MATTIS, JASON E				
ART UNIT		PAPER NUMBER		
2461				
MAIL DATE		DELIVERY MODE		
07/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/070,212

Applicant(s)

BERGENWALL ET AL.

Examiner

JASON E. MATTIS

Art Unit

2461

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16, 18-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 3, 6-10, 18-20 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Supplemental Amendment filed 5/21/10. Claims 11-15, 17, and 21 have been canceled. Claims 1-10, 16, 18-20, and 22-27 are currently pending in the application.

Claim Objections

2. Claim 16 is objected to because of the following informalities:

Line 8 of claim 16 appears to contain a typo using the word "route" instead of "routing". Line 12 of claim 16 appears to contain a typo using the word "request" instead of "requesting".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 6-10, 18-20, and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, this claim contains the term "the internal memory". Although there is prior mention of an "internal entity" in claim 1, which claim 3 depends on, there is no prior mention of any internal memory. Thus, there is a lack of proper antecedent basis for this term in the claim language.

Regarding claim 6, lines 13-14 of this claim contain the term "at least one further router". This term appears to imply that there is a previous router mentioned in the claim language. Although there is previous mention of "routing the special data packets" there is no prior mention of any router. Thus, it is unclear how a router can be a further router if no previous router has been claimed.

Regarding claim 7, claim 6, which claim 7 depends on contains the limitation "notifying an internal entity of the detected special data packets and requesting instructions for the special data packets from the internal entity". Claim 7 contains the limitation "notifying said gateway node of the detected special data packets instead of said internal entity; and requesting instructions for the special data packets from said gateway instead of said internal entity". These two limitations contradict one another. It is unclear how the internal entity can both be notified and requested and at the same time not be notified and requested, as suggested by claim 7. It is recommended that additional language be added to the claim such that it is clear that the gateway is conditionally notified and requested instead of the internal entity when some other condition has been met (i.e. when the requested instructions are not found in the internal entity).

Regarding claim 18, this claim contains limitations stating "wherein said router is configured to notify an internal entity of the detected special data packets and request instructions for the special data packets from said internal entity" and "wherein said router is configured to notify a gateway node of the detected special data packets instead of said internal entity, and request instructions for the special data packets from said gateway node instead of said internal entity". These two limitations contradict one another. It is unclear how the internal entity can be both notified and requested and at the same time not be notified and requested, as suggested by claim 18. It is recommended that additional language be added to the claim such that it is clear that the gateway is conditionally notified and requested instead of the internal entity when some other condition has been met (i.e. when the requested instructions are not found in the internal entity).

Regarding claim 22, line 18 of this claim contains the term "at least one further router". This term appears to imply that there is a previous router mentioned in the claim language. Although there is previous mention of "routing the special data packets" there is no prior mention of any router. Thus, it is unclear how a router can be a further router if no previous router has been claimed.

Regarding claim 23, this claim contains limitations stating "wherein said routing means is comprises notifying means for notifying an internal entity of the detected special data packets and requesting instructions for the special data packets from said internal entity" and "wherein said routing means comprises notifying means for notifying a gateway node of the detected special data packets instead of said internal entity, and

requesting instructions for the special data packets from said gateway node instead of said internal entity". These two limitations contradict one another. It is unclear how the internal entity can be both notified and requested and at the same time not be notified and requested, as suggested by claim 23. It is recommended that additional language be added to the claim such that it is clear that the gateway is conditionally notified and requested instead of the internal entity when some other condition has been met (i.e. when the requested instructions are not found in the internal entity).

Regarding claim 24, this claim contains limitations stating "notifying an internal entity of the detected special data packets; requesting instructions for the special data packets from said internal entity" and "notifying a gateway node of the detected special data packets instead of said internal entity; and requesting instructions for the special data packets from said gateway node instead of said internal entity". These two limitations contradict one another. It is unclear how the internal entity can be both notified and requested and at the same time not be notified and requested, as suggested by claim 24. It is recommended that additional language be added to the claim such that it is clear that the gateway is conditionally notified and requested instead of the internal entity when some other condition has been met (i.e. when the requested instructions are not found in the internal entity).

Also regarding claim 24, line 10 of this claim contains the term "at least one further router". This term appears to imply that there is a previous router mentioned in the claim language. Although there is previous mention of "routing the special data

packets" there is no prior mention of any router. Thus, it is unclear how a router can be a further router if no previous router has been claimed.

Regarding claim 27, this claim contains limitations stating "notifying an internal entity of the detected special data packets; requesting instructions for the special data packets from said internal entity" and "notifying a gateway node of the detected special data packets instead of said internal entity; and requesting instructions for the special data packets from said gateway node instead of said internal entity". These two limitations contradict one another. It is unclear how the internal entity can be both notified and requested and at the same time not be notified and requested, as suggested by claim 27. It is recommended that additional language be added to the claim such that it is clear that the gateway is conditionally notified and requested instead of the internal entity when some other condition has been met (i.e. when the requested instructions are not found in the internal entity).

Also regarding claim 24, line 12 of this claim contains the term "at least one further router". This term appears to imply that there is a previous router mentioned in the claim language. Although there is previous mention of "routing the special data packets" there is no prior mention of any router. Thus, it is unclear how a router can be a further router if no previous router has been claimed.

Regarding claims 8-10, 19, 20, 25, and 26 these claims are rejected since they each depend on a rejected base claim.

Allowable Subject Matter

5. Claims 1, 2, 4, and 5 are allowed.
6. Claim 16 is objected to as, but would be allowable if rewritten to overcome the claim objection(s) set forth in this Office action.
7. Claims 6, 18, 22-24, and 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
8. Claims 3, 7-10, 19, 20, 25, and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Due to the new grounds of rejection, the Office Action is made non-final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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